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by Christal
Dennis
Date: 2019.01.29
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January 4, 2019

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VIA E-MAIL

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NW
Washington, DC 20463

Re: *MUR #7541, Libertarian Party of Ohio v. Stivers for Congress, et al.*:
Response of Stivers for Congress

Dear Ms. Dennis:

We represent Stivers for Congress (“Stivers”) in the above-referenced matter. The Libertarian Party of Ohio complains that, by participating in a debate at the Columbus Metropolitan Club—a 501(c)(3) nonprofit organization—Representative Stivers accepted an illegal corporate contribution “with full knowledge” that the contribution was in violation of the Federal Election Campaign Act of 1971 (the “Act”), and the Commission’s rules and regulations.¹ The allegations against Stivers are simply untrue, and the Complaint should be dismissed.

¹ The Libertarian Candidate, Johnathan Miller, did raise or spend \$1 in the campaign. Moreover, he terminated his candidate committee and his campaign on September 25, three weeks before the debate. This Complaint is frivolous.

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A nonprofit organization, such as the Columbus Metropolitan Club, may stage a debate. To be in compliance with the Commission's regulations, the nonprofit organization's debate may not "endorse, support, or oppose political candidates or political parties." *See* 11 C.F.R. § 110.13(a)(1). Moreover, the nonprofit organization staging the debate "must use pre-established objective criteria to determine which candidates may participate in a debate." *See* 11 C.F.R. § 110.13(c). Consequently, as long as the Columbus Metropolitan Club complied with the requirements of 11 C.F.R. § 110.13, the debate would not be in violation of the Act.

The Columbus Metropolitan Club assured Stivers that the debate was in compliance with the Act. On October 18, Adam Rapien, the Campaign Manager for Stivers for Congress, received correspondence from the Libertarian Party of Ohio regarding the participation of their candidate in the debate. In response to this letter, and despite the fact the Libertarian candidate had already dropped out of the race, Mr. Rapien wrote the Columbus Metropolitan Club. In his email, Mr. Rapien explained, "I just thought I'd shoot you a note and let you know that our campaign would be okay with the Libertarian candidate's participation. Steve supports ballot access and his participation in the political process." In response, the Columbus Metropolitan Club explained, "we have specific qualifications for candidates, 5% or more in a published poll, or \$100,000 raised and spent per FEC reporting." Having received this assurance that the Columbus Metropolitan Club employed pre-existing criteria to determine debate participation in compliance with the Act, Stivers for Congress felt comfortable participating in the debate.

VIA E-MAIL

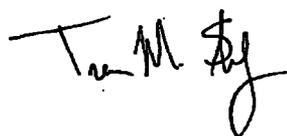
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Because the Columbus Metropolitan Club complied with all requirements of the Act and for the additional foregoing reasons, this Complaint should be dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor M. Stanley". The signature is written in a cursive style with a large, looped "S" at the end.

Trevor M. Stanley

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